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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/779,296 02/08/01 FARMWALD

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EXAMINER

MMC2/0629

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ART UNIT

PAPER NUMBER

2818
DATE MAILED:

06/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/779, 296

Applicant(s)

FARMWALD et al.

Examiner

TAN T. NGUYEN

Group Art Unit

2818

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 02/08/01.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 151-189 is/are pending in the application.
Of the above claim(s) 1-150 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 151-189 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The Preliminary amendment filed by Applicants on February 8, 2001 has been received and entered.

2. Claims 1-150 have been canceled.

New claims 151-189 have been added.

3. The Request to approve drawing changes filed on February 7, 2001 has been received. However, the actual drawings are missing.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 151-152, 154, 162-164, 165-168, 175, 176-177, 184-185, 188-189 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 8-9, 13 and 17 of U.S. Patent No. 6,034,918 in view of claims 34-36 of U.S. Patent No. 6,038,195.

U.S. Patent No. 6,034,918 claims a method of controlling a synchronous memory device having the steps that substantially similar to the steps claimed in the present application.

Regarding claims 176-177, 184-185 and 188-189, claims 34-36 of U.S. Patent No. 6,038,195 recite a memory device having the clock receiver circuit, a plurality of output driver and an input receiver circuitry that perform similar functions to the memory device in the present application.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the memory device of U.S. Patent No. 6,038,195 to perform the operations of the memory device in U.S. Patent No. 6,034,918.

The rationale is as follows: A person of ordinary skill in the art would have been motivated to use the memory device of U.S. Patent No. 6,038,915 to perform the operations of U.S. 6,034,918 to optimize the control operations.

6. Claims 153, 156-160, 169-174, 179-183 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 161, 164, 165 and 181 of copending Application No. 09/492,982 in view of claims 1-2, 8-9, 13 and 17 of U.S. Patent No. 6,034,918.

Claims 161, 164-165 and 181 of copending Application No. 09,492,982 recite a method of operation in a synchronous memory device wherein the block size information is input in response to an operation code, and the block size information, the operation code and the address are included in a same request packet.

It would have been obvious to a person of ordinary skill in the art to apply the method of operation in Application 09/492,982 in the method of operation in U.S. Patent No. 6,034,918.

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The rationale is as follows: A person of ordinary skill in the art would have been motivated to modify the operation code from a write operation to a read operation to optimize the read operation in the synchronous memory device.

This is a provisional obviousness-type double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan T. Nguyen whose telephone number is (703) 308-1298. The examiner can normally be reached on Monday to Friday from 08:00 AM to 04:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms, can be reached on (703) 308-4910. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Tan T. Nguyen
Primary Examiner
Art Unit 2818
June 27, 2001